

REMARKS

Rejections under 35 U.S.C § 103(a)

Claims 1-6 and 13-30 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,968,295 of Kohno, *et al.* Kohno discloses a tire comprising a circumferential belt layer in addition to a slant belt layer in which specified PET, nylon, PEN or vinyl fiber cords or steel cords are used in the circumferential belt layer. (Kohno, Abstract).

Applicant claims a tire comprising, *inter alia*, a crown having a reinforcing ply, a first crown reinforcement having organic fiber cords and a second crown reinforcement having a ratio τ inferior to 1.5 and further characterized as having a low elastic modulus at 4 % strain. (Amended Claim 1).

To establish a *prima facie* case of obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 985 (CCPA 1974). All words in a claim must be considered in judging the patentability of that claim against the prior art. *In re Wilson*, 424 F.2d 1382, 1385 (CCPA 1970).

The Examiner states in the Final Office Action, on pages 3-4:

Kohno teaches that the layer or reinforcement 7, which is made up of layers 7-1 and 7-2, may be made from cords comprising PET fibers or PEN fibers, nylon and steel, among other materials. Applicants' note this teaching., but note that Kohno does not specifically state that the two layers 7-1 and 7-2 may be made from different materials from the group disclosed. This appears to be true because Kohno states that the layer 7 may be made from the materials, but never states that the separate layers 7-1 and 7-2 are made from different materials.

Applicants then argue that claim 1 is allowable over Kohno due to this lack of specifics in the materials of the individual layers 7-1, 7-2, because claim 1 recites that the two crown reinforcements are made from different materials.

This is not found persuasive because a careful review of claim 1 reveals that the first crown reinforcement is a high elastic modulus organic fiber but nowhere is the material for the second crown reinforcement set forth. Claim 1 does not limit the first and second crown reinforcements to being made from different materials.

Applicant has amended claim 1 to claim that the first crown reinforcement having cords being *high elastic modulus at 4 % strain* and that the second crown reinforcement being *low elastic modulus at 4 % strain* cords. This claim amendment clearly indicates that the materials of the first and second crown reinforcements are made of different materials.

Because the cited prior art does not disclose that the first and second crown reinforcements are made of different materials, Applicant respectfully asserts that a prima facie case of obviousness has not been presented. Reconsideration and withdrawal of the rejection of claim 1, as well as all claims depending therefrom, is respectfully requests.

Applicant asserts that all claims are now in condition for allowance and requests the timely issuance of the Notice of Allowance. If the Examiner believes that a telephone interview would expedite the examination of this pending patent application, the Examiner is invited to telephone the below signed attorney at the convenience of the Examiner. In the event there are any fees or charges associated with the filing of these documents, the Commissioner is authorized to charge Deposit Account No. 13-3085 for any necessary amount.

Respectfully submitted,

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